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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mauritania

1. The Committee considered the initial report of Mauritania (CRC/C/8/Add.42), submitted on 18 January 2000, at its 723rd and 724th meetings (see CRC/C/SR.723-724), held on 25 September 2001, and adopted, at its 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which generally follows the guidelines for reporting, and the timely submission of the written replies to its list of issues (CRC/C/Q/MAU.1). However, it regrets the almost seven-year delay in submitting this report. It further notes with appreciation the high-ranking delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the recent adoption of the Personal Status Code, which contains provisions to protect children, including the prohibition of early marriage; of the act making basic education compulsory for all children between the ages of 6 and 14; and of an amended Labour Code in compliance with the Convention which prohibits child labour before the age of 16.

4. The Committee notes with satisfaction the establishment in 1992 of the Secretariat of State for the Status of Women and of the National Council for Children to promote children rights and prepare policies and programmes on children, as well as the establishment of juvenile courts in all the main towns of the *wilayas* (regions). It further commends the establishment of the "Mauritanian Mayors in Defence of Children Initiative" to deal with children's issues at local level, of the Parliamentary Children's Group and of the Municipal Children's Council.

5. The Committee takes note with satisfaction of the series of conferences designed to familiarize administrators, teachers, legal staff and civil society with the Convention. It further welcomes the signature on 22 August 2001 of the joint UNDP-OHCHR technical cooperation project in the framework of the HURIST programme.

6. The Committee appreciates the establishment of a national commission to coordinate the preparation of the initial report composed of representatives of the ministerial departments concerned with the Convention and of representatives of the civil society.

C. Factors and difficulties impeding progress in the implementation of the Convention

7. The Committee notes with concern that economic and social difficulties facing the State party have a negative impact on the situation of children and are impeding the full implementation of the Convention, especially in rural and remote areas. In particular, it notes the negative impact of desertification and drought that, by causing an accelerated urbanization and uncontrolled exodus from rural areas, increases the level of poverty and the dismantling of family structures.

8. The Committee further notes that the limited availability of skilled human resources, particularly in rural and remote areas, also adversely affects the full implementation of the Convention.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

9. The Committee, while taking note that the adoption of some national codes is currently being considered, in particular a new criminal code and a code of criminal procedure for juveniles, remains nevertheless concerned that domestic and customary laws still do not fully comply with the provisions and principles of the Convention.

10. **The Committee encourages the State party:**

(a) To take all necessary measures to ensure that its domestic legislation, including customary laws, conforms fully to the principles and provisions of the Convention;

(b) To ratify the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To ratify the African Charter on the Rights and Welfare of the Child; and

(d) To seek technical assistance from, among others, UNICEF and OHCHR.

Coordination

11. The Committee, while noting the establishment of a National Council for Children which should provide coordination between government departments and ministries, expresses its concern at the lack of an effective inter-institutional mechanism for coordinating the implementation of the Convention both at the national and local levels. Further, the Committee notes with concern that most of the goals in the National Plan of Action for the period 1992-2001 were not reached.

12. **The Committee recommends that the State Party:**

(a) Take all necessary measures to allocate principal responsibility for the coordination of the implementation of the Convention at both national and local levels to a single body or mechanism;

(b) Allocate for this purpose adequate human and financial resources for its effective performance; and

(c) For the preparation of the new National Plan of Action 2002-2012, take into account the obstacles met when implementing the National Plan of Action 1992-2001 and the results of the mid-term evaluation and of the review made for the end-of-decade report.

Budgetary allocations

13. The Committee notes with concern that budgetary allocations for children are insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

14. **In light of article 4 of the Convention, the Committee recommends that the State party:**

(a) Strengthen its efforts to reduce poverty and its impact on children;

(b) Identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the "maximum extent of available resources" for the implementation of the rights recognized in the Convention, including the economic, social and cultural rights of children, in particular at local level and for children belonging to the most vulnerable groups in society; and

(c) Take the necessary measures to identify the amount and proportion of the budget spent on children at the national and local levels, including the resources from international aid programmes, in order to adequately evaluate its impact on children.

Monitoring

15. The Committee expresses its concern at the absence of an independent mechanism, such as an ombudsman or a commission for children, to monitor children's rights and to receive and address individual complaints from children on violations of their rights under the Convention. It further takes note that there are ongoing discussions on the establishment of such a body.

16. **The Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), that:**

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Data collection

17. The Committee is concerned at the lack of disaggregated data and indicators for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. **The Committee recommends that the State Party:**

(a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender, age, minority and ethnic groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to ethnic groups; refugee and asylum-seeking children; children in conflict with the law; working children; children living in the streets and in rural areas; and

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

Dissemination and training

19. While noting that some efforts have been undertaken by the State party in order to disseminate the Convention in Mauritania, the Committee expresses its concern that they targeted only very specific groups and not the general population. Further, it notes with concern that the Convention is not available in the national languages spoken in the State party.

20. **The Committee recommends that the State party:**

(a) Translate informative material into the national languages, such as Pulaar, Suninké and Wolof, and disseminate it effectively;

(b) Develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters, in particular at local level;

(c) Provide further adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel;

(d) Fully integrate the Convention into the curricula at all levels of the educational system; and

(e) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

2. Definition of the child

21. The Committee notes that the newly adopted Personal Status Code sets the minimum age for marriage at 18, but it expresses its concern about the disparity between the legal minimum age for admission to employment (16 years) and the age for the end of compulsory education (14 years).

22. **In light of articles 1 and 2 of the Convention, the Committee recommends that the State party ensure that the minimum age for marriage is fully enforced in practice, and that the population is aware of its existence, in order to bring an end to the practice of early marriage of girls. It further recommends that the State party redefine the minimum age for the end of compulsory education so that it corresponds to the age for admission to employment.**

3. General principles

General principles

23. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3), right to life and maximum possible survival and

development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and practices relevant to children at both national and local levels.

24. **The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12:**

(a) Be appropriately integrated in all relevant legislation concerning children;

(b) Be applied in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

25. The Committee is concerned by the persistence of discrimination in the State Party. In particular, the Committee is concerned by the occurrence of discrimination against children belonging to minorities, children with disabilities and, at the cultural level, girls. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children living in rural areas, refugee children, children from poor families, children working on the streets and children born out of wedlock.

26. **In light of article 2 of the Convention, the Committee recommends that the State party:**

(a) Make concerted efforts at all levels to address discrimination, notably discrimination based on gender, national, ethnic or social origin and disability, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups;

(b) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination; and

(c) Include specific information in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29 (1) of the Convention (aims of education).

4. Civil rights and freedoms

Birth registration

27. While noting Act No. 96/020 of 19 June 1996 on the obligation to register every child's birth and the establishment of a Secretariat of State for Civil Registration, the Committee is nevertheless concerned at the difficulties that are still experienced in registering, organizing and keeping civil registry records, in particular in rural areas.

28. **In light of article 7 of the Convention, the Committee recommends that the State party:**

(a) Continue to develop more widespread awareness among the population, including through public information campaigns, of the importance of immediate birth registration; and

(b) Improve the registration procedures and system in order to reach all families, in particular in rural and remote areas, and facilitate the registration of the births of their children.

Corporal punishment

29. The Committee is concerned that corporal punishment of children is widely practised in the family. It further notes that it is not expressly banned in schools and institutions.

30. **In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party to:**

(a) Develop measures to raise awareness on the harmful effects of corporal punishment and engage in the promotion of alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention; and

(b) Explicitly prohibit corporal punishment in the family, in schools and in other institutions.

5. Family environment and alternative care

Assistance to vulnerable families

31. The Committee notes with concern the high number of female-headed families, in particular in the capital, which are particularly vulnerable to poverty.

32. **In light of article 18 of the Convention, the Committee recommends that the State party ensure assistance to female-headed families in the performance of their child-rearing responsibilities, in particular with regard to access to health and education, and strengthen its programme of microcredits.**

Child abuse and neglect

33. The Committee notes with concern that there is no procedure available for children who are abused and or neglected within the family.

34. **In light of article 19 of the Convention, the Committee recommends that the State party:**

(a) Establish effective procedures and mechanisms to receive, monitor and investigate complaints about child abuse and neglect, including intervention where necessary;

(b) Prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings;

(c) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(d) Provide proper alternative placement when this is in the best interest of the child.

Recovery of children's maintenance allowance

35. The Committee expresses its concern at the lack of implementation of the legislation on maintenance, due mainly to widespread ignorance of the law or to psychological reasons, i.e. pride or shame.

36. **In light of article 27 (4) of the Convention, the Committee recommends that the State party:**

(a) Make widely known, notably to women who are illiterate, the provisions of domestic legislation concerning maintenance allowance; and

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter about the recovery of allowances from solvent parents who refuse to pay.

6. Basic health and welfare

Health and health services

37. The Committee is concerned at the poor situation of maternal, child and the reproductive health and the limited access to health care. In particular, it notes the lack of qualified medical and paramedical staff and the shortage of medicines and equipment in rural areas. It further notes that infant, child and maternal mortality rates, as well as abortion and malnutrition rates, are particularly high in rural areas and in poor urban areas. The Committee also takes note of the low immunization rates and of the resurgence of tuberculosis.

38. **In light of article 24 of the Convention, the Committee recommends that the State party:**

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary care and further decentralizing the health care system;

(b) Reduce child mortality and morbidity by providing adequate antenatal and postnatal health care services;

(c) Develop campaigns to inform parents of basic knowledge about child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation; and

(d) Look to international cooperation for the full and efficient implementation of the immunization programme.

Children with disabilities

39. While noting that the State party has developed a strategy for the integration and development of children with disabilities involving community-based rehabilitation, the Committee remains nevertheless concerned about the huge number of children with disabilities who are institutionalized, the general lack of resources and specialized staff for these children and the absence of support for their families.

40. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake measures to ensure that the situation of children with disabilities is adequately monitored in order to assess effectively their situation and needs;

(b) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and further develop community-based programmes in order for the children to be able to stay at home with their families;

(c) Provide professional and financial support to families;

(d) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), further encourage their inclusion into society and their integration into the regular educational system, including by providing special training to teachers and by making schools more accessible; and

(e) Seek technical assistance from, among others, WHO and UNICEF.

Adolescent health

41. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and youths using tobacco and drugs, and the growing number of cases of HIV/AIDS among youths. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for drug addiction. It also notes the lack of sufficient prevention and information programmes, especially on reproductive health, in schools.

42. **The Committee recommends that the State party:**

(a) Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems, including the negative impact of HIV/AIDS, in order to be able to develop adequate policies and programmes;

(b) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health; and

(d) Develop youth-sensitive counselling, care and rehabilitation facilities that are accessible, without parental consent, when this is in the best interests of the child.

Traditional harmful practices

43. While noting the measures taken by the State party to combat the traditional practices of female genital mutilation and forced feeding, the Committee is nevertheless concerned at the continuing use of these practices, especially in rural areas.

44. **In light of article 24 (3), of the Convention, the Committee urges the State party:**

(a) To prohibit, and take action to end, the practices of female genital mutilation and forced feeding;

(b) To raise awareness of their harmful effects;

(c) To seek assistance from UNICEF and WHO in this regard; and

(d) To take advantage of the efforts in this regard made by other States in the region.

7. Education, leisure and cultural activities

Education and leisure

45. While noting the increase in the number of schools and classrooms, the Committee is nevertheless concerned that only approximately 60 per cent of children attend school and that there are great gender and regional disparities. It further notes with concern the high drop-out and repeating rates, the inadequacy of the school curriculum, the high teacher-pupil ratio, especially in the capital, Nouakchott, the low enrolment rate in secondary schools, the inadequate school infrastructure, and the low number of children receiving pre-school education. Furthermore, the Committee expresses its concern at the lack of play space and recreational facilities for children, especially in rural areas.

46. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

(a) **Enforce the act that makes basic education compulsory for all children between the ages of 6 and 14;**

(b) **Undertake appropriate measures to ensure regular attendance at schools and the reduction of drop-out rates, in particular among girls;**

(c) **Continue its efforts to expand pre-school education;**

(d) **Take further steps to ensure the enrolment of children in secondary school;**

(e) **Improve the quality of education;**

(f) **Orient education towards the aims mentioned in article 29 (1) of the Convention and the Committee's general comment on the aims of education, in particular by introducing human rights, including children's rights, education in the curriculum at all levels of education, including teacher training; and**

(g) **In light of article 31 of the Convention, seek to ensure the right of the child to rest and leisure and to engage in play and recreational activities, inter alia by educating parents on the importance of these activities for the development of the child and by developing appropriate facilities, in particular in rural areas.**

8. Special protection measures

Refugee children

47. The Committee notes with concern that the State party does not give identification documents to refugees and their children and that the rights of refugee children are not specifically protected by law, notwithstanding the fact that the State party has signed

the 1951 Convention relating to the Status of Refugees and has acceded to the 1967 Protocol. It further notes that there are no laws and practices guaranteeing the reunification of families.

48. **In light of article 22 of the Convention, the Committee recommends that the State party:**

(a) Integrate the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol into its legislation;

(b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights; and

(c) Enact legislation, policies and programmes guaranteeing the reunification of families where this is possible.

Economic exploitation

49. The Committee is concerned about the high number of children engaged in labour, in particular children working in agriculture, in the informal sector and in the street, including the *talibés* who are exploited by their teachers. While recognizing the efforts undertaken by the State party to stop cases of trafficking of children towards Arab countries, it remains concerned that girls involved in domestic service are often not paid or underpaid and that involuntary servitude is reported to exist in some isolated areas.

50. **In light of article 32 of the Convention, the Committee recommends that the State party:**

(a) Continue to undertake measures to prevent and combat all forms of economic exploitation of children;

(b) Complete the ratification process and implement ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and

(c) Seek assistance from ILO/IPEC in this regard.

Juvenile justice

51. The Committee, while noting that the Government is in the process of drawing up a new criminal code and a code of criminal procedure specific to juveniles, expresses its concern that adult offenders and juvenile delinquents are treated the same and that the budget allocated to juvenile justice is small. It further notes that judges are not informed about alternatives to detention and that there is little resort to diversion programmes or similar out-of-court procedures for dealing with juvenile delinquents. While noting the positive development of the

establishment of the Beyla Centre for the recovery and reintegration of children in conflict with the law in Nouakchott, it remains concerned at the high rates of recidivism, and further notes that children detained in the interior of the country are often kept with adults and subjected to ill-treatment.

52. **The Committee recommends that the State Party:**

(a) Undertake all necessary measures to ensure the prompt adoption of a new criminal code and a code of criminal procedure specific to juveniles, i.e. all persons under 18, and allocate adequate human and financial resources for their implementation;

(b) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including those pertaining to conditions of detention; and ensure that children are separated from adults and remain in regular contact with their families while in the juvenile justice system;

(d) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(e) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(f) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following justice proceedings; and

(g) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional Protocols

53. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of documents

54. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered and the concluding observations adopted thereon by the Committee, along with the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs and children.**